

A1 Birtley to Coal House Improvement Scheme

Agenda for Issue Specific Hearing 5: Draft Development Consent Order (DCO)

Date: Thursday 25 June 2020
Time: **Session 1:** 10.00am
(Arrangements Conference at 9.30am)
Session 2 (if required):
2.00pm
(Arrangements Conference at 1.30pm)
Venue: Virtual Hearing via
Microsoft Teams

Introduction

Details on participation, conduct and management of the hearing are included in **Annex A** of this agenda and should be read by all participants in advance of the hearing.

If for any reason, including technical issues, matters are not concluded by the end of this hearing, a reserve hearing date has been provided on Thursday 2 July 2020 at 9.30am (arrangements conference at 9.00am). This will only be needed if the ExA decides that it is necessary to hear further oral submissions from any party on any relevant matters.

This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader merits of the application.

The Applicant submitted a revised draft Development Consent Order at Deadline 8. It is the tracked change version of this document that we will be working from. Reference will also be made to the outline Construction Environmental Management Plan submitted at Deadline 8.

The ExA has also issued its Schedule of suggested changes to the draft DCO on 16 June 2020 and this will also be referred to at the Hearing.

The details set out below are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

All participants of this virtual hearing are requested to read the [Virtual Hearings Arrangements letter dated 11 June 2020](#).

Requested Attendees

The ExA would find it helpful if the following parties could attend this hearing.

- The Applicant
- Gateshead Council
- Sunderland City Council
- Historic England
- Environment Agency
- Northern Gas Networks Ltd
- Network Rail

Agenda Items

1. Welcome, introductions and arrangements for the hearing

2. Purpose of the Issue Specific Hearing

3. Applicant to update on recent changes to draft DCO at Deadline 8.

4. Articles

- a) Article 2(1) Interpretation 'commence'
- b) Article 32 Interpretation 'maintain'
- c) Article 7 Limits of Deviation
- d) Article 32 Temporary use of land for carrying out the authorised development
- e) Any submissions from Interested Parties on the draft Articles

5. Schedule 1 – Authorised Development

- a) Any submissions from Interested Parties

6. Schedule 2 – Requirements

Part 1 (Requirements)

- a) Requirement 3 (Detailed design)
- b) Requirement 4 (Construction and handover environmental management plan)
- c) Requirement 5 (Landscaping)
- d) Requirement 8 (Surface and foul water drainage)
- e) Requirement 9 (Archaeological remains)

- f) Requirement 10(3) (Traffic Management)
- g) Requirement 12 (Pedestrian, cyclist and horse riding facilities)
- h) Requirement 13 (Fencing)
- i) Requirement 14 (Allerdene bridge replacement)
- j) Any submissions from Interested Parties on any other requirements

Part 2 (Procedure for discharge of Requirements)

- a) Any submissions from Interested Parties

7. Matters related to the Construction Environmental Management Plan (CEMP) to be secured by Requirement 4

- a) Action G12 of the REAC (should details of all construction compounds be approved?)
- b) Cultural Heritage measures including those relating to Bowes Railway Scheduled Monument
- c) Are any additions to the REAC required further to Gateshead's Council's response to ExQ 3.8.2 regarding Longacre Wood [REP8-030]
- d) Construction Traffic Management Plan. Any further changes are required?
- e) Any other comments on the CEMP

8. Schedule 10 – Scheduled monuments

- a) Does Historic England agree with the proposed drafting of Schedule 10
- b) Are any further drawings required as part of the application for development consent?

9. Schedule 11 – Protective Provisions

- a) With Network Rail
- b) Northern Gas Networks
- c) With Northumbrian Water
- d) With Environment Agency
- e) Other Protective Provisions

The ExA will be seeking confirmation on whether the Protective Provisions in Schedule 9 are agreed, and if not, which specific provisions remain unagreed and the reasons for this.

10. Any other matters in connection with the draft DCO

11. Any other business relevant to the Agenda

Note: In circumstances where the ExA has been made aware of any technical difficulties around participation, it will provide an opportunity for persons who could not be heard on earlier agenda items to participate as necessary and appropriate.

12. Actions arising (including any procedural decisions if required) and next steps

13. Closing

Annex A

Conduct and Management of the Hearing

Guidance under the Planning Act 2008 and the Examination Procedure Rules provides that at Hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by the ExA. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will start the Hearing by making introductory comments, introductions and running through housekeeping matters and how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for one to two hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

Questioning at the Hearing will be led by the ExA. Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The Agenda may be amended by the ExA at the start of the hearing. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry in the course of the discussion which are not listed on the Agenda.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of a Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA..

Oral participation is at the invitation and discretion of the ExA. Oral submissions must address the matters, issues and questions identified in the hearing agenda and raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance or time efficiency.

If for any reason, including technical issues, matters are not concluded by the end of this hearing a reserve hearing date has been scheduled for Thursday 2 July 2020 at 9.30am (arrangements conference at 9.00am). This will be at the discretion of the ExA and it may be decided to pursue further representations in writing rather than through an additional hearing.

Recordings of the hearing will be published by the Planning Inspectorate and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the hearing by Deadline 9 on 8 July 2020.